

## EXHIBIT A



AlaFile E-Notice

47-CV-2017-900357.00

Judge: RUTH ANN HALL

To: SINIARD THOMAS HOYT  
siniard@law-injury.com

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CAROL CATLETT V. OUTBACK STEAKHOUSE OF FLORIDA, LLC D/B/A  
47-CV-2017-900357.00

The following matter was served on 3/6/2017

**D001 OUTBACK STEAKHOUSE OF FLORIDA, LLC**  
Corresponding To  
CERTIFIED MAIL

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



AlaFile E-Notice

47-CV-2017-900357.00

Judge: RUTH ANN HALL

To: SINIARD THOMAS BARTON  
bart.siniard@law-injury.com

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CAROL CATLETT V. OUTBACK STEAKHOUSE OF FLORIDA, LLC D/B/A  
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AlaFile E-Notice

47-CV-2017-900357.00

Judge: RUTH ANN HALL

To: MESSERVY WILLIAM LEE  
william.messervy@law-injury.com

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CAROL CATLETT V. OUTBACK STEAKHOUSE OF FLORIDA, LLC D/B/A  
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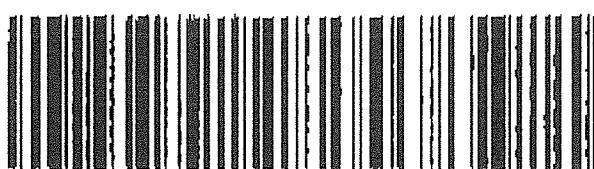
256-532-3390

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Outback Steakhouse of Florida LLC  
6 Office Park Circle #100  
Mountain Brook, AL 35293



9590 9402 1309 5285 7572 60

## 2. Article Number (Transfer from service label)

7015 3430 0000 2455 4632

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

<input type="checkbox"/> Agent	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
J. ADK	3/6/17

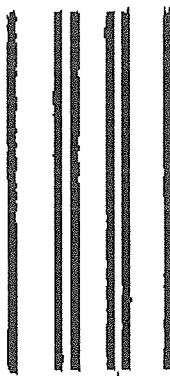
D. Is delivery address different from Item 1?  YesIf YES, enter delivery address below:  No

FILED IN OFFICE
MAR 08 2017
DEBRA KIZER
Clerk, Circuit Court of Jefferson County, AL

## 3. Service Type

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Domestic Return Receipt
- Domestic Return Receipt Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING#



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. 6-10

9590 9402 1309 5285 7572 60

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box.

Madison County Courthouse  
100 North Side Square  
Huntsville AL 35801

CV17-900351



State of Alabama Unified Judicial System  Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 47-CV-2017-900357.00
<p>IN THE CIRCUIT COURT OF MADISON COUNTY CAROL CATLETT V. OUTBACK STEAKHOUSE OF FLORIDA, LLC</p> <hr/> <p>NOTICE TO <u>OUTBACK STEAKHOUSE OF FLORIDA, LLC, D/B/A OUTBACK STEAKHOUSE 6 OFFICE PARK CIRCLE #100, MOUNTAIN BROOK, AL 35223</u></p> <p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPONDING PARTY'S ATTORNEY <u>THOMAS H SINIARD</u></p> <p>WHOSE ADDRESS IS <u>125 HOLMES AVENUE, HUNTSVILLE, AL 35801</u></p> <p>THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p> <hr/> <p>TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:</p> <p><input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant</p> <p><input checked="" type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of <u>CAROL CATLETT</u> pursuant to the Alabama Rules of the Civil Procedure</p> <p>Date <u>3/3/2017 11:15:42 AM</u> /s/ <u>DEBRA KIZER</u> Clerk/Register MADISON COUNTY, ALABAMA 100 NORTHSIDE SQUARE HUNTSVILLE, AL 35801</p> <hr/> <p><input checked="" type="checkbox"/> Certified Mail is hereby requested /s/ <u>THOMAS H SINIARD</u> Plaintiff's/Attorney's Signature</p> <p>RETURN ON SERVICE:</p> <p><input type="checkbox"/> Return receipt of certified mail received in this office on _____</p> <p><input type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to _____ _____ in _____ County, Alabama on _____ (Date)</p> <p>Date _____ Server's Signature _____ Address of Server _____</p> <p>Type of Server _____ Server's Printed Name _____ Phone Number of Server _____</p>		



AlaFile E-Notice

47-CV-2017-900357.00

To: THOMAS H SINIARD  
siniard@law-injury.com

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CAROL CATLETT V. OUTBACK STEAKHOUSE OF FLORIDA, LLC  
47-CV-2017-900357.00

The following complaint was FILED on 3/3/2017 11:15:42 AM

Notice Date: 3/3/2017 11:15:42 AM

DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



AlaFile E-Notice

47-CV-2017-900357.00

To: OUTBACK STEAKHOUSE OF FLORIDA, LLC  
D/B/A OUTBACK STEAKHOUSE  
6 OFFICE PARK CIRCLE #100  
MOUNTAIN BROOK, AL, 35223

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CAROL CATLETT V. OUTBACK STEAKHOUSE OF FLORIDA, LLC  
47-CV-2017-900357.00

The following complaint was FILED on 3/3/2017 11:15:42 AM

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CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801

256-532-3390



ELECTRONICALLY FILED  
3/3/2017 11:15 AM  
47-CV-2017-900357.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

CAROL CATLETT,

*Plaintiff,*

vs.

CV-2017-

OUTBACK STEAKHOUSE OF FLORIDA, LLC d/b/a OUTBACK STEAKHOUSE; Fictitious Defendant A, being the correct legal name of the entity identified herein as Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse; Fictitious Defendants B, C, D being the correct legal name of the individual, corporation, or other entity that owned and/or operated the health/fitness center where plaintiff's claims arose at the times set forth herein; Fictitious Defendants E, F, G being the correct legal name of the individual, corporation, or other entity that is legally responsible for the injuries to plaintiff as described herein; Fictitious Defendants H, I, J, the person, firm or corporation responsible for the accident made the basis of this suit; Fictitious Defendants K, L, M, the person, firm, corporation or other legal entity guilty of negligence and/or wantonness as set forth in the Complaint; Fictitious Defendants N, O, P, the person, firm, corporation or other entity legally responsible for the legal wrongs referred to in the Complaint, all of whose true names are otherwise unknown but will be added by amendment when ascertained; Fictitious Defendant Q, whether singular or plural, being that entity who or which was doing business as Outback Steakhouse at the time of the occurrence made the basis of plaintiff's complaint; Fictitious Defendant R, whether singular or plural, being that entity other than those entities described above, who or which is the successor in interest of those entities described above. There may be other entities whose true names and identities are unknown to the Plaintiff at this time who may be legally responsible for the claim(s) set forth herein. The true names and identities will be added by amendment by the Plaintiff when their true names and identities are accurately ascertained by further discovery. Until that time, the Plaintiff will designate these parties in accordance with ARCP 9(h). The word entity as used herein is intended to refer to and include any and all legal entities including individual persons, any and all forms of partnership, any and all types of corporations and unincorporated associations.

*Defendants* )

COMPLAINT

1. Plaintiff, Carol Catlett, is a resident of Madison County, Alabama, and is over the age of nineteen (19) years of age.

2. Defendant, Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse (hereinafter "Outback"), is a foreign corporation doing business at 4777 Whitesburg Drive in the City of Huntsville, Madison County, Alabama.

3. The true names and identities of the other named defendants are unknown to plaintiff at this time and will be added by amendment in accordance with Rule 9 (h) of the Alabama Rules of Civil Procedure when the true names and identities are ascertained.

4. The accident complained of herein occurred in Madison County, Alabama and the amount in controversy exceeds \$10,000.

#### **COUNT ONE -- NEGLIGENCE**

5. Plaintiff adopts and realleges the allegations in Paragraphs 1 through 4 as if they were set out in full.

6. On or about January 8, 2017, Outback and Fictitious Defendants A-R, a restaurant open to the public, owed Carol Catlett a duty to exercise reasonable care and diligence to keep its premises in a reasonably safe condition and/or to warn of known dangers or dangers that should have been known.

7. On or about January 8, 2017, Outback and Fictitious Defendants A-R breached its duty and/or acted negligently by failing to properly maintain the premises and by failing to warn of known dangers or dangers that should have been known.

8. As a direct and proximate result of Outback and Fictitious Defendants A-R's negligence, Carol Catlett suffered the following injuries and damages:

- a) bodily injury;
- b) the cost of hospital, physician, therapy and pharmaceutical bills;
- c) future medical expenses;
- d) pain and suffering;
- e) future pain and suffering;
- f) permanent impairment and/or disfigurement;
- g) loss of earnings;
- h) loss of ability to earn;
- i) mental anguish and future mental anguish; and
- j) avocational losses.

**WHEREFORE**, Plaintiff, Carol Catlett, demands judgment against defendants, Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse and Fictitious Defendants A-R, in an amount that a jury deems appropriate under the circumstances, plus the costs of this action.

**COUNT TWO -- WANTON CONDUCT**

9. On or about January 8, 2017, Outback and Fictitious Defendants A-R, a restaurant open to the public, owed Carol Catlett a duty to exercise reasonable care and diligence to keep its premises in a reasonably safe condition and/or to warn of known dangers or dangers that should have been known.

10. On or about January 8, 2017, Outback and Fictitious Defendants A-R breached its duty and/or acted wantonly by failing to properly maintain the premises and by failing to warn of known dangers or dangers that should have been known.

11. Outback breached its duty with a reckless and/or conscious disregard of the rights and safety of others as set forth in § 6-11-20(a)(3), Ala. Code 1975.

12. As a direct and proximate result of Outback and Fictitious Defendants A-R's wanton conduct, Carol Catlett suffered the following injuries and damages:

- a) bodily injury;
- b) the cost of hospital, physician, therapy and pharmaceutical bills;
- c) future medical expenses;
- d) pain and suffering;
- e) future pain and suffering;
- f) permanent impairment and/or disfigurement;
- g) loss of earnings;
- h) loss of ability to earn;
- i) mental anguish and future mental anguish; and
- j) avocational losses.

13. Carol Catlett is entitled to punitive damages.

**WHEREFORE**, Plaintiff, Carol Catlett, demands judgment against defendants, Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse and Fictitious Defendants A-R, in an amount that a jury deems appropriate under the circumstances, plus the costs of this action.

**COUNT THREE – NEGLIGENCE – CO-EFFICIENT OF FRICTION**

14. Plaintiff adopts and realleges the allegations in Paragraphs 1 through 13 as if they were set out in full.

15. On or about January 8, 2017, Outback, as the owners/operators of a restaurant open to the public, knew or should have known the floor in the restaurant made the basis of this complaint, had an unsafe co-efficient of friction and was not in

compliance with ANSI Standard 101.1-2009, which floor/flooring created a serious fall hazard for users, including Carol Catlett as well as other customers and employees.

16. On or about January 8, 2017, Outback knew or should have known that the flooring at the restaurant made the basis of this litigation was non-compliant with ANSI Standards and other safety protocol/standards. The defendants had a duty to make certain that the floors of their restaurant were in compliance with ANSI Standard 101.1-2009 and/or were otherwise safe for customers/employees. The defendants breached this duty in that they either: 1.) negligently determined that the floors were non-compliant and failed to rectify, remove, retrofit, or limit the hazard created by hazardous flooring in the restaurant; or 2.) that they were negligent in failing to determine whether the floors were in compliance with ANSI Standard 101.1-2009 and other safety protocol/standards.

17. As a direct and proximate result of the negligence of Outback and Fictitious Defendants A-R, Carol Catlett suffered the following injuries and damages:

- a) bodily injury;
- b) the cost of hospital, physician, therapy and pharmaceutical bills;
- c) future medical expenses;
- d) pain and suffering;
- e) future pain and suffering;
- f) permanent impairment and/or disfigurement;
- g) loss of earnings;
- h) loss of ability to earn;
- i) mental anguish and future mental anguish; and
- j) avocational losses.

**WHEREFORE**, Plaintiff, Carol Catlett, demands judgment against defendants, Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse and Fictitious Defendants A-R, in an amount that a jury deems appropriate under the circumstances, plus the costs of this action.

#### **COUNT FOUR – WANTONNESS – CO-EFFICIENT OF FRICTION**

18. Plaintiff adopts and realleges the allegations in Paragraphs 1 through 17 as if they were set out in full.

19. On or about January 8, 2017, Outback, as the owners/operators of a restaurant open to the public, knew or should have known the floor in the restaurant made the basis of this complaint, had an unsafe co-efficient of friction and was not in compliance with ANSI Standard 101.1-2009, which floor/flooring created a serious fall hazard for users, including Carol Catlett as well as other customers and employees.

20. On or about January 8, 2017, Outback knew or should have known that the flooring at the restaurant made the basis of this litigation was non-compliant with ANSI

Standards and other safety protocol/standards. The defendants had a duty to make certain that the floors of their restaurant were in compliance with ANSI Standard 101.1-2009 and/or were otherwise safe for customers/employees. The defendants breached this duty in that they either: 1.) wantonly determined that the floors were non-compliant and failed to rectify, remove, retrofit, or limit the hazard created by hazardous flooring in the restaurant; or 2.) that they were wanton in failing to determine whether the floors were in compliance with ANSI Standard 101.1-2009 and other safety protocol/standards.

21. Outback breached their duty with a reckless and/or conscious disregard of the rights and safety of others as set forth in § 6-11-20(a)(3), Ala. Code 1975.

22. As a direct and proximate result of Outback and Fictitious Defendants A-R's wanton conduct, Carol Catlett suffered the following injuries and damages:

- a) bodily injury;
- b) the cost of hospital, physician, therapy and pharmaceutical bills;
- c) future medical expenses;
- d) pain and suffering;
- e) future pain and suffering;
- f) permanent impairment and/or disfigurement;
- g) loss of earnings;
- h) loss of ability to earn;
- i) mental anguish and future mental anguish; and
- j) avocational losses.

23. Carol Catlett is entitled to punitive damages.

**WHEREFORE**, Plaintiff, Carol Catlett, demands judgment against defendants, Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse and Fictitious Defendants A-R, in an amount that a jury deems appropriate under the circumstances, plus the costs of this action.

#### GENERAL AVERMENTS

24. Plaintiff adopts and realleges the allegations in Paragraphs 1 through 23 as if they were set out in full.

25. In addition to the specific allegations set forth above, plaintiff further avers that the negligence or wantonness of all defendants combined and concurred to cause the plaintiff's injuries.

26. Plaintiff avers that each fictitiously described defendant negligently and/or wantonly failed to properly maintain the premises and failed to warn of known dangers or dangers that should have been known. The true names and identities of each fictitiously described defendant is unknown to plaintiff at this time and will be added by amendment

in accordance with Rule 9 (h) of the Alabama Rules of Civil Procedure when the true names and identities are ascertained.

WHEREFORE, plaintiff demands judgment against the defendants in an amount that a jury deems appropriate under these circumstances, plus the costs of this action.

Done this the 3<sup>rd</sup> day of March, 2017.

/s/ Tommy H. Siniard  
Tommy H. Siniard (SIN008)

/s/ William L. Messervy  
William L. Messervy (MES011)

/s/ Bart Siniard  
Bart Siniard (SIN 027)

**PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY**

/s/ Tommy H. Siniard  
Tommy H. Siniard (SIN008)

*Siniard, Timberlake & League, P.C.*  
Attorneys for Plaintiffs  
125 Holmes Avenue  
Post Office Box 2767  
Huntsville, AL 35804  
Telephone: (256) 536-0770  
Facsimile: (256) 539-0540  
[siniard@law-injury.com](mailto:siniard@law-injury.com)  
[william.messervy@law-injury.com](mailto:william.messervy@law-injury.com)  
[bart.siniard@law-injury.com](mailto:bart.siniard@law-injury.com)

SERVE DEFENDANT BY CERTIFIED MAIL:

Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse  
c/o Corporate Creations Network, Inc., Registered Agent  
6 Office Park Circle #100  
Mountain Brook, Alabama 35223

Plaintiff's Mailing Address is as follows:

Carol Catlett  
115 Shoals Road  
Meridianville, Alabama 35759



ELECTRONICALLY FILED

3/3/2017 11:15 AM

47-CV-2017-900357.00

CIRCUIT COURT OF

MADISON COUNTY, ALABAMA

DEBRA KIZER, CLERK

Ca:

47

Date of Filing:

03/03/2017

Judge Code:

State of Alabama  
Unified Judicial System  
Form AR Civ-93 Rev.5/99

**COVER SHEET  
CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

Date of Filing:

03/03/2017

Judge Code:

**GENERAL INFORMATION**

**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA  
CAROL CATLETT v. OUTBACK STEAKHOUSE OF FLORIDA, LLC**

First Plaintiff:  Business  Individual  
 Government  Other

First Defendant:  Business  Individual  
 Government  Other

**NATURE OF SUIT:** Select primary cause of action, by checking box (check only one) that best characterizes your action:

**TORTS: PERSONAL INJURY**

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: \_\_\_\_\_

**TORTS: PERSONAL INJURY**

- TOPE - Personal Property
- TORE - Real Property

**OTHER CIVIL FILINGS**

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Service

**OTHER CIVIL FILINGS (cont'd)**

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction/Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

ORIGIN:  F  INITIAL FILING

A  APPEAL FROM  
DISTRICT COURT

O  OTHER

R  REMANDED

T  TRANSFERRED FROM  
OTHER CIRCUIT COURT

HAS JURY TRIAL BEEN DEMANDED?  YES  NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)

RELIEF REQUESTED:  MONETARY AWARD REQUESTED  NO MONETARY AWARD REQUESTED

**ATTORNEY CODE:**

SIN008

3/3/2017 11:15:17 AM

Date

/s/ THOMAS H SINIARD

Signature of Attorney/Party filing this form

MEDIATION REQUESTED:

YES  NO  UNDECIDED